IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHT DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7883 of 2005

Between:

Sri Mamidala Tours & Travels, Rep by its Proprietor,
Mr. M. Raja Reddy, S/o. Sri M. Bhugula Reddy, aged 40 years, Hindu, R/o. D.No. 9-127, Plot No. 111/A,
Beside HMT Nagar, Bapujinagar, Ranga Reddy District.

..... PETITIONER

AND

1 The Regional Transport Officer, Uppal Ranga Reddy District.
2 The Motor Vehicle Inspector, Head Quarters, Mahaboobnagar

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus declaring the seizure and continued detention of the petitioner's Maxi Cab vehicle bearing R.No. A.P. 29/T-3182 seized together with original documents under vehicle check report No. 376519 dt. 4-2-2005 by the 2nd respondent i.e. Motor Vehicle Inspector, Mahaboobnagar, Headquarters, as arbitrary, illegal unjust, unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioner's Maxi Cab vehicle bearing R.No. A.P. 29/T-3182 seized together with original documents under vehicle check report No. 376519 dt. 4-2-2005, forthwith to the petitioner.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing No.AP29 T 3182 vide Check Report No.376519, dated 4.2.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle bearing No.AP29 T 3182 and that his vehicle was seized vide Check Report No.376519, dated 4.2.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing No.AP29 T 3182 on the following terms and conditions.

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*

3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

8th April, 2005.

bcj

Note: Issue wire at party's cost.

B/o

bcj

To

1 The Regional Transport Officer, Uppal Ranga Reddy District.
2 The Motor Vehicle Inspector, Head Quarters, Mahaboobnagar

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.